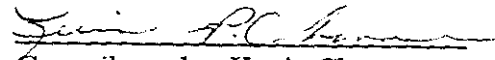




Councilmember Phil Mendelson



Councilmember Kevin Chavous



Councilmember Sandy Allen

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Phil Mendelson introduced the following bill, which was referred to the Committee on \_\_\_\_\_.

To require that trials where the cumulative maximum penalty is more than 180 days and/or \$1,000 fine be jury demandable and to require that a jury determine non-jury demandable offenses where they are deciding jury demandable offenses at the same trial.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Misdemeanor Jury Trial Act of 2001".

Sec. 2. Section 16-705 is amended by adding a new subsections (d) and (e) to read as follows:

"(d) In a criminal case tried in the Superior Court where a defendant is charged with more than one offense and the cumulative maximum penalty is a fine of more than \$1,000 or imprisonment for more than 180 days, the trial shall be by jury, unless the defendant in open court expressly waives trial by jury and requests trial by the court, and the court and the prosecuting officer consent thereto. In the case of a trial without a jury, the trial shall be by a

single judge, whose verdict shall have the same force and effect as that of a jury.

"(e) In a criminal case tried in the Superior Court where a defendant is charged with more than one offense which include both a jury and non-jury demandable offense, the trial for all offenses shall be by jury, unless the defendant in open court expressly waives trial by jury and requests trial by the court, and the court and the prosecuting officer consent thereto. In the case of a trial without a jury, the trial shall be by a single judge, whose verdict shall have the same force and effect as that of a jury.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.